IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.36 OF 2007
IN
SUIT NO. 1603 OF 1985

Rajesh K. Shah & Anr. ...Plaintiffs
Vs.
Kishore K. Badiani & Ors. ...Defendants
And
Divvakar S. Shetty ...Applicant
And
Court Receiver & Anr. ...Respondents

Mr. R.D. Soni i/b. Singhi & Co. for Plaintiffs
Mr.S. Shamim i/b. Shamim & Co. for Defendant Nos.2(b) to 2 (d)
Mr. U. Kantawala for Highest Bidder
Mr.Kamal Shroff i/b. E. Almeida for present agent Pradeep Shetty
Mr. R.V. Pai for Sameer Hambardar Bidder
Mr. U.P. Savant for Dharmesh Naiya
Mr. Rahul Kapoor i/b. Sonal Doshi for Defendants
Mr. D.V. Deokar 1st Asst. to Court Receiver present
Mr. Manoj, Divech of the Highest Bidder present.

CORAM: SMT. ROSHAN DALVI, J.
DATED: 19TH JANUARY, 2007

P.C.

1. The Defendant No.1 has been debarred from bidding at the sale of the suit hotel. The term of the earlier Agent has expired. Fresh bids have been invited. 12 bidders have bid. The highest bidder has paid Rs.8.25 Lakhs royalty per

month. He has been directed to deposit 3 months royalty as usual. He has failed to deposit. By consent of the Plaintiffs and the highest bidder, he shall be allowed to deposit the 3 months advance amount on or before 25th January, 2007.

2. The present Agenct agrees to hand over possession of the suit premises to the Receiver on 31st January, 2007. He shall pay the royalty for the month of January on or before 31st January, 2007.

3. The Court Receiver shall take possession from him on 31st January, 2007. He shall remove all the movables being the furnitures and fixtures from the suit premises on 31st January, 2007 in the presence of the Court Receiver as well as the new highest bidder. He undertakes not to damage the suit property and the remaining furniture and fixtures.

4. The new bidder shall be handed over vacant possession of the suit premises by the Court Receiver on 1st February, 2007. He shall pay the royalty agreed to be paid from February, 2007 as directed by the Court Receiver subject to he executing the usual Agency Agreement and giving usual undertaking to the Court Receiver on or before 31st January, 2007.

(SMT.ROSHAN DALVI, J.)